UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,647	10/15/1999	TREVOR K. BYLSMA	1400.4100202	9158

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EXAMINER
FOX, JAMAL A

ART UNIT	PAPER NUMBER
2664	12

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _13,14,20 and 21_ is/are allowed.

6)☒ Claim(s) _1,4,6-10,15,18 and 19_ is/are rejected.

7)☒ Claim(s) _2,3,5,11,12,16 and 17_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _11_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims *1, 6, 9, 10 and 15 are* rejected under 35 U.S.C. 102(a) as being

anticipated by U.S. Patent No. 6,389,464 to Krishnamurthy et al.

Referring to claim 1, Krishnamurthy et al. discloses a method for management of

a network (col. 3 lines 62-67), comprising: receiving a new set of indicators

corresponding to a node in the network (col. 4 lines 44-53, see the MIB files), wherein

the new set of indicators includes functional characteristics (attributes of the device, col.

4 lines 44-53, here it is understood that the MIB files includes functional characteristics

because a MIB is a SNMP compatible data structure that defines the functional groups

and management objects of a unit or system) of the node; wherein each indicator of the

new set of indicators corresponds to a particular functional characteristic (Web pages

contain particular functional characteristics, Figures 4-29); storing the new set of

indicators in a database (col. 4 lines 44-50), wherein the database includes sets of

indicators corresponding to at least one additional node in the network (devices, col. 4

lines 27-32); and utilizing the database including the new set of indicators to perform

network management functions (col. 4 lines 44-53, see devices to be managed from the

site server).

Referring to claim 6, Krishnamurthy et al. discloses the method of claim 1,

wherein the set of indicators further includes physical characteristics of the node (Fig. 6,

ip_address; Figures 8, 10-14, cornet 16 channel a/b serial switch; Fig. 17, null Driver,

Parallel Driver, Async serial Port, Intelligent Async Serial Port).

Referring to claim 9, Krishnamurthy et al. discloses the method of claim 1,

wherein the network is a communications network that includes one or more of Time

Division Multiplexing, Frame Relay (Ethernet, col. 5 lines 55-59, col. 6 lines 26-30, col. 6

line 45, col. 7 lines 25-30, col. 7 lines 35-38 and col. 11 lines 5-10), asynchronous

transfer mode, and wireless network formats (col. 4 lines 1-6).

Referring to claim 10, Krishnamurthy et al. discloses a method for communicating

a set of characteristics of a node in a communication network, comprising: determining

functional characteristics for the node (attributes of the device, col. 4 lines 44-53, here it

is understood that the MIB files includes functional characteristics because a MIB is a

SNMP compatible data structure that defines the functional groups and management

objects of a unit or system); generating a set of indicators corresponding to the

functional characteristics (col. 4, lines 43-53, here it is understood that the site server

generates the indicators), wherein each indicator of the set of indicators corresponds to

a particular functional characteristic (Web pages contain particular functional

characteristics, Figures 4-29); and combining the set of indicators with physical

characteristic information of the node to produce the set of characteristics for the node

(Fig. 6, ip_address; Figures 8, 10-14, cornet 16 channel a/b serial switch; Fig. 17, null

Driver, Parallel Driver, Async serial Port, Intelligent Async Serial Port).

Referring to claim 15, Krishnamurthy et al. discloses a network management

processor (site server, col. 7 lines 14-30), comprising: a processing module (CPU, col.

7 lines 14-30); and memory (MIB, col. 4 lines 44-50) operable coupled to the processing

module, wherein the memory includes operating instructions that cause the processing

module to: store a received new set of indicators in a database (database, col. 4 lines

44-50), wherein the new set of indicators corresponds to a node in a network, wherein

the database includes indicators corresponding to at least one additional node in the

network (devices, col. 4 lines 27-32), wherein the new set of indicators includes

functional characteristics of the node (attributes of the device, col. 4 lines 44-53, here it

is understood that the MIB files includes functional characteristics because a MIB is a

SNMP compatible data structure that defines the functional groups and management

objects of a unit or system); wherein each indicator of the new set of indicators

corresponds to a particular functional characteristic (Web pages contain particular

functional characteristics, Figures 4-29); and perform network management functions

(manage a particular device, col. 4 lines 44-64) based on the database including the

new set of indicators.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 4, 7, 18 and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Krishnamurthy et al. in view of Rose et al.

Referring to claim 4, Krishnamurthy et al. discloses the method of claim 1, but

does not explicitly teach wherein each set of indicators includes indicators indicating

functional support at multiple hierarchical levels within a node to which the set of

indicators corresponds. Rose et al. discloses MIBs with multiple hierarchical levels in

(pages 5-7, 10-14 and 16-18). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to have included wherein

each set of indicators includes indicators indicating functional support at multiple

hierarchical levels within a node to which the set of indicators corresponds because

MIBs are hierarchical data structures.

Referring to claim 7, Krishnamurthy et al. discloses the method of claim 1, but

does not explicitly teach wherein performing network management functions further

comprises determining routing paths in the network. Rose et al. discloses routing tables

defined by MIBs on (page 10). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to have included wherein

performing network management functions further comprises determining routing paths

in the network because routing table entries are defined in MIBs.

Referring to claim 18, Krishnamurthy et al. discloses the network management

processor of claim 15, but does not explicitly teach wherein each set of indicators

includes indicators indicating functional support at multiple hierarchical levels within a

node to which the set of indicators corresponds. Rose et al. discloses MIBs with multiple hierarchical levels in (pages 5-7, 10-14 and 16-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein each set of indicators includes indicators indicating functional support at multiple hierarchical levels within a node to which the set of indicators corresponds because MIBs are hierarchical data structures.

Referring to claim 19, Krishnamurthy et al. discloses the network management processor of claim 15, but does not explicitly teach wherein performing network management functions further comprises determining routing paths in the network. Rose et al. discloses routing tables defined by MIBs on (page 10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included wherein performing network management functions further comprises determining routing paths in the network because routing table entries are defined in MIBs.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al.

Referring to claim 8, Krishnamurthy et al. discloses the method of claim 1, but does not explicitly teach wherein performing network management functions further comprises configuring path endpoints in the network. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included configuring path endpoints in the network because the configuration of system-wide parameters is disclosed in (col. 10 lines 48-58).

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.   Claim 9 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for TDM, Frame Relay, ATM and a number of wireless formats, does not reasonably provide enablement for a communications network that includes one or more of Time Division Multiplexing, Frame Relay, asynchronous transfer mode, and wireless network formats. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The specification does not provide enablement for TDM and wireless network formats, Frame Relay and wireless network formats, and ATM and wireless network formats.

Allowable Subject Matter

7.   Claims 13, 14, 20 and 21 are allowed.

8.   Claims 2, 3, 5, 11, 12, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9.   Applicant's arguments filed 6/9/2004 have been fully considered but they are not

persuasive. Applicant argued that Krishnamurthy et al. does not teach of MIB files

including functional characteristics. However, one skilled in the art would recognize that

Krishnamurthy et al. teaches of a server receiving indicators from the web pages with

attributes (functional) characteristics of a node, storing the attributes (new indicators) in

the MIB (database) and using the MIB (database) for network management functions.

Referring to claim 6, see Fig. 8, the example shows the database storing an

indication of a physical characteristic of a node, wherein the node is a switch. On Fig.

18, there is an indication of physical characteristics of an Async Port of the node.

Referring to claim 15, the applicant argued that separate elements have not been

identified. However a network management processor is identified as the site server

(col. 7 lines 14-30), a processing module (CPU), a memory (MIB, col. 4 lines 44-50), a

database (database, col. 4 lines 44-50), additional node in the network (devices, col. 4

lines 27-32), functional characteristics of the node (attributes of the device, col. 4 lines

44-53), particular functional characteristics (contained on the Web Pages, Figures 4-29)

and network management functions (manage a particular device, col. 4 lines 44-64).

Applicant argued that Rose et al. either alone or in combination with

Krishnamurthy et al. fails to disclose or suggest "...functional support at multiple

hierarchical levels within a node...." However, one skilled in the art would recognize

that on page 6 and 7, the functional support is the defining of the new MIB objects and

the registering of the networking subsystems. The multiple hierarchical levels within a node are the subtrees.

Applicant argued that "an entry" or "individual entries" in a routing table do not appear to involve "determining routing paths" in a network. However, one skilled in the art would recognize that entries in routing tables compute routing paths in a network.

Applicant argued that there is no description of what "system-wide parameters" of Krishnamurthy et al. would be. Moreover, the applicant can find no disclosure in the cited portion of Krishnamurthy et al. of "...wherein performing network management functions further comprises configuring path endpoints in the network...." The applicant further included that "system-wide" parameters typically meant that it involves every component in a system, not "...configuring path endpoints...." One skilled in the art would recognize based on the applicant that the endpoints are part of "every component in a system."

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jamal A Fox whose telephone number is (703) 305-

5741. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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